IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

-

WRIT PETITION NO : 6321 of 1995

Between:

Shaik Ibrahim Saheb S/o. Fatulla Saheb
R/o. Piler Chittoor Dist.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Piler Mandal, Chittoor District.
2 The Revenue Divisional Officer, Madanapalle, Chittoor District.
3 The District Collector, Chittoor.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or order or direction, directing the respondents not to take possession of the land measuring an extent of Ac.4.90 cents in Sy.No.1131/2 of Doddipalli (V), Piler (M), Chittoor Dist. by declaring the notice issued by the 1st respondent in ROC.A/1/1995 dt: 25/2/1995 as illegal and without jurisdiction.

Counsel for the Petitioner : MR.T.NIRANJAN REDDY

Counsel for the Respondents : GP FOR REVENUE

The Court made the following :

ORDER : (Per Hon'ble Sri Bilal Nazki, J)

This Writ Petition has been filed challenging the notice issued by Mandal Revenue Officer, Piler. The notice issued by the Mandal Revenue Officer is in the following terms;

> *"You have not cultivated the land assigned to you in Sy.No.1131/2 of Doddipalli village, Piler Mandal, admeasuring an extent of Ac.4.90 cents for the past three faslis. As you have violated the conditions, the Government intends to acquire the above said land for construction of Girls Hostel for Scheduled Caste girls. Objection, if any, should be intimated to Mandal Revenue Officer within one week."*

No counter has been filed. The learned Counsel for petitioner submits that because of the stay granted by this Court, no further proceedings were taken and he is in possession of the land. Since notice had only been given to the petitioner to file objection therefore, in my view, the Writ Petition was not maintainable in the first instance. But the petition has been pending in this Court for the last almost ten years.

In these circumstances, the writ petition is disposed of with liberty to the petitioner to file objections, now, to the notice issued. The objections shall be filed by him within one month from today. After the objections are filed, appropriate orders may be passed by the Mandal Revenue Officer. Till the orders are passed by the Mandal Revenue

Officer after hearing the petitioner, the stay granted by this Court earlier, shall remain in force. No order as to costs.

16th December, 2004 BILAL NAZKI, J

N.B:-

Copy be furnished within one week from the date of application.

(B/o)

ajr

To

1 The Mandal Revenue Officer, Piler,Chittoor District.
2 The Revenue Divisional Officer, Madanapalle,Chittoor District.

3 The District Collector, Chittoor District.

4 Two C.Cs., to the G.P. for Revenue, High Court buildings, Hyderabad (OUT)

5 Two C.D. copies.